

REMARKS

Claims 1-13 were subject to the following restriction:

Group 1 (For claim 1):Species 1 (claim 2);

Species 2 (claim 3);

Species 3 (claim 4);

Group 2 (For claim 5):Species 1 (claim 6);

Species 2 (claim 7);

Species 3 (claim 8)

Applicants elect claim 2 from Group 1 and claim 6 from Group 2, WITH Traverse.

Applicants understand that claims 1, 2, 5, 6, and 9-13 are to be examined on the merits.

The examiner maintains that applicant's previous reply is improper because applicant did not elect one claim among claims 2, 3, and 4, and another claim among claims 6, 7, and 8.

According to the examiner, the restriction is proper based on PCT Rule 13.1. Applicant disagrees the unity of invention requirements are directed solely between different independent claims and not between the independent claim and the claims depending from it. There is no such thing as a restriction based on species under the unity of invention requirement. Indeed, PCT Rule 13.4 explicitly states that a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention. See also MPEP § 1850, which explicitly states that the unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims.

Applicant urges the examiner to withdraw the restriction. A Petition to have the restriction withdrawn is concurrently filed with this reply.

Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

/Lyle Kimms/

LYLE KIMMS, REG. NO. 34,079

20609 GORDON PARK SQUARE, SUITE 150  
ASHBURN, VA 20147  
703-726-6020 (PHONE)  
703-726-6024 (FAX)

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